

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STANLEY BABBITT.

Plaintiff,

V.

WILLIAM POATS.

Defendant.

No. 4:09CV737RWS

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Stanley Babbitt initiated this lawsuit against Defendant William Poats on May 12, 2009. After Poats filed his responsive pleading, this Court issued a Case Management Scheduling Order on October 6, 2009. The Order was mailed to Babbitt at the address he provided with the Court: #27921, St. Louis City Justice Center, STLCJC, 200 South Tucker Blvd., St. Louis, MO 63102. On October 13, 2009, that Order was returned as undeliverable to the Court, stamped “No longer in custody.”

Local Rule 2.06(B) Change of Address provides that “[e]very pro se party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number. If any mail to a pro se plaintiff or petitioner is returned to the Court without a forwarding address and the pro se plaintiff or petitioner does not notify the Court of the change of address

within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.”


On October 20, 2009, I ordered Stanley Babbitt to officially notify the Clerk of the Court of his current address and telephone number within thirty days. My order warned that failure to comply may result in a dismissal of his lawsuit. The order was sent to Babbitt at the above-referenced address he provided the Court and to Babbitt at Algoa Correctional Center, 8501 No More Victims Road, Jefferson City, MO 65101, which is the address where Babbitt is housed according to the Missouri Department of Corrections. As of this date, Babbitt has not notified the Court of his current address and telephone number.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s case is **DISMISSED** without prejudice for failure to comply with the Local Rules and for failure to prosecute.

IT IS FURTHER ORDERED that Plaintiff’s motion to appoint counsel [#4] is **DENIED as moot**.

Dated this 8th Day of December, 2009.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE